IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 333 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DIPTIBEN,W/O RAJESH SHAH

Versus

SHANTILAL LALBHAI CHOKSHI

Appearance:

1. Appeal from Order No. 333 of 1999

MR SURESH M SHAH for Appellant No.

MR MC SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 11/01/2005

ORAL JUDGEMENT

1. The appellants have preferred this Appeal from Order against the judgment and order dated 16/04/1999

passed by the learned Aux. Chamber Judge, City Civil Court, Ahmedabad in Summary Suit No.3961 of 1996, whereby they were restrained from alienating the bungalow referred to in Para 16(b) of Exh.6 till the disposal of the said suit.

2. I have heard learned counsel for the parties and have perused the relevant documents on record. Learned counsel for the parties have agreed that appropriate directions may be issued to the City Civil Court for expediting the hearing and disposal of the suit pending before it since the suit is of the year 1996.

3. Hence, with the consent of the learned counsel for the parties and without entering into the merits of the matter, the City Civil Court, Ahmedabad is directed to expedite the hearing of Summary Suit No.3961 of 1996 pending before it. The City Civil Court, Ahmedabad shall hear and dispose of the said Suit as expeditiously as possible and preferably within a period of one year from the date of receipt of writ of this order. It is clarified that this Court has not disturbed the order passed by the trial Court in view of the fact that status quo was maintained by both the sides for almost five years.

4. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]
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